

Appln No. 10/759,491
Amdt date September 12, 2007
Reply to Office action of June 27, 2007

REMARKS/ARGUMENTS

Claims 1-31 are pending in the application, and claims 10, 18, 19, and 28-30 are withdrawn from consideration. Claims 3, 6, 12, 17, and 24 have been amended. New claim 31 has been added.

Allowable Subject Matter

In an Office action dated June 27, 2007, the Examiner indicated that claims 6-9, 12, 17, and 24-27 would be allowable if rewritten in independent form. Applicant thanks the Examiner for the indication of allowable subject matter. Applicant has amended claims 6, 12, 17, and 24 into independent form, including all of the limitations of the base claim and any intervening claims. Claims 7-9 and 25-27 depend from claims 6 and 24, respectively. Accordingly, Applicant submits that claims 6-9, 12, 17, and 24-27 are in condition for allowance.

Election of Species

Applicant confirms that election is made without traverse to prosecute the invention that the Examiner has identified as Group I, claims 1-9, 11-17, 20-27, and new claim 31.

Specification

In the Office action of June 27, the Examiner objected to an informality in the specification. The specification has been amended to correct this clerical error, and Applicant respectfully requests that the Examiner withdraw the objection to the specification.

Claim Rejections -- Section 103

The Examiner has rejected claims 1-5, 11, 13-16, and 20-23 under section 103(a) as allegedly being unpatentable over U.S. Publication No. 2002/0074032 to Park et al. in view of U.S. Patent No. 5,062,178 to Chiu. In view of the arguments below, Applicant respectfully requests reconsideration and withdrawal of the rejection under section 103.

Applicant's attorneys participated in a telephone interview with the Examiner on August 1, 2007 to discuss the section 103 rejection. Applicant thanks the Examiner for taking the time for the phone interview. During the interview, Applicants discussed the combination of Park and Chiu for the section 103 rejection and argued that the combination does not disclose all elements

Appln No. 10/759,491
Amdt date September 12, 2007
Reply to Office action of June 27, 2007

of claim 1. The Examiner kindly agreed to reconsider the rejection and asked Applicant to submit the arguments in writing.

Park teaches a frame assembly for folding tents, including four posts 30 (see Figure 1 of Park) and four foldable wheels 39 (see Figure 1 and ¶ 26). However, as the Office action states on page 3, Park fails to teach a mounting post.

Chiu teaches a wheel unit for a slidable infant chair. The chair includes an annular frame 4 that is shaped as a ring (see Figure 6, column 2 line 64). A wheel 1 and a rod 2 are vertically inserted into a fixing sleeve 41 in the annular frame 4 (see Figure 4, column 3 lines 41-66). The vertical insertion of the rod 2 places it "transverse" to the annular frame 4.

The Examiner argues that the annular frame or ring 4 can be considered a side pole, and therefore Chiu teaches a mounting post transverse to a side pole. Applicant respectfully submits that the ring 4 cannot be considered a side pole. If the ring 4 were a side pole, it would be vertical, rather than horizontal, and then the rod 2 would not be "transverse" to the side pole. The ring has to be considered in its position shown in Figure 6 -- as a ring, and not a side pole -- in order to satisfy the "transverse" limitation of claim 1. If the ring 4 is simply ignored and the rod 2 is combined with the side posts 30 of Park, then the vertical rod 2 is parallel, not transverse, to the side posts. Accordingly, Applicant submits that the combination of Park and Chiu fails to disclose all of the limitations of claim 1.

Furthermore, there is no reason to believe that a person of ordinary skill in the art would understand that the combination of Park and Chiu could be made or would be useful. The frame disclosed in Park already has wheels attached to it; therefore, there is no reason to combine Park with another type of wheel mount. Additionally, the infant chair in Chiu is intended to be slidable, "which enables an infant seated in the chair to walk around freely" (column 1, lines 7-8). By contrast, collapsible canopy frames such as the embodiments of the present invention and the frame disclosed in Park are standing structures, not vehicles intended to be constantly in motion. The canopy is fixed in one location, and it may subsequently be moved to a new location, where it is fixed again (see Park ¶¶ 1, 20, 26, Applicant's Application p. 1). Therefore,

Appln No. 10/759,491
Amdt date September 12, 2007
Reply to Office action of June 27, 2007

the wheels for the tent or canopy accomplish a very different function than the wheels of the infant chair.

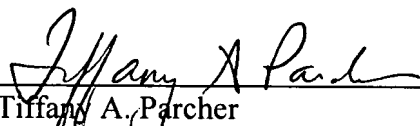
Applicant has also amended claim 3 to clarify that the mounting posts extend through a vertical side of the side pole, not through the bottom of the side pole. The rod 2 in Chiu extends through the bottom of the annular frame 4 (see Figure 3A). Accordingly, Applicant submits that claim 3 further distinguishes the claimed invention over Chiu.

New claim 31 depends from claim 1 and specifies that "the side comprises a first vertical side and a second vertical side opposite the first vertical side" and that "the mounting post of each said wheel assembly extends through an opening in the first vertical side of the corresponding elongated side pole toward the second vertical side." Applicant submits that the rod 2 in Chiu fails to satisfy these additional limitations, as it does not extend through a vertical side toward an opposite vertical side of a side pole. Accordingly, Applicant respectfully submits that new claim 31 is in condition for allowance. Support for the new claim can be found in the specification at page 9 and in Figure 9.

Conclusion

In view of the foregoing, Applicant respectfully submits that Claims 1-9, 11-17, 20-27, and 31 are in condition for allowance. Reconsideration and withdrawal of the rejections are requested, and a timely Notice of Allowance is solicited. If there are any remaining issues that can be addressed over the telephone, the Examiner is encouraged to call Applicant's attorney at the number listed below.

Respectfully submitted,
CHRISTIE, PARKER & HALE, LLP

By 
Tiffany A. Parcher
Reg. No. 58,944
626/795-9900

TP/vsj
KJD PAS752764.1-*09/12/07 2:20 PM